# TRAVANCORE
# LEGISLATIVE COUNCIL
# PROCEEDINGS

*(OFFICIAL REPORT)*

## VOLUME IX.

SECOND SESSION, 1101.

*Monday, the 2nd August 1926/18th Karkatakam, 1101.*

The Council assembled in the Victoria Jubilee Town Hall, Trivandrum, at eleven-thirty of the clock, M. E. Watts Esquire, B. A., Barrister-at-Law, presiding. All except the following members were present :—Mr. Tariatu Kunjitomman, Mr. K. C. Mammen Mappillai, Mr. M. Subrahmanya Pillai and Mr. S. Subrahmanya Karayalar.

DISTINGUISHED VISITORS: H. A. B. Vernon ESQ., I. C. S., Agent to the Governor-General, Madras States; Major W. K. Fraser-Tytler, Assistant Agent to the Governor General, Madras States; M. R. RY. K. Ravi Varma, Avl., B. A., F. M. U., Kochu Koiltampuran.

### NEW MEMBERS.

The Secretary to the Legislative Council called out the name of Mr. R. K. Krishna Pillai, Ag. Commissioner of Police, for taking the oath.

**MR. K. P. NILAKANTA PILLAI** (*Chirayinkil*) : Sir, I rise to a point of order. Mr. R. K. Krishna Pillai has been nominated as a member of this Council and the Secretary has called out his name for taking the oath. We have no information as to whether Mr. Pitt has resigned his seat on this Council. There has been no notification in the Gazette that he has resigned and that his resignation has been accepted by the Government of Her Highness the Maha Rani Regent. Therefore, the introduction by the Government of this new member into the House is *ultra vires*, since under the Regulation there could be only fifty members in this Council. A seat in this Council could become vacant only under Rules 23 and 24 of the Legislative Council Electoral Rules. Under the provisions of those rules, Mr. Pitt's seat in this House has not become vacant. So, if Mr. R. K. Krishna Pillai is sworn in, there would be fifty-one members while, under the Regulation, we could have only fifty.

**MR. KAYYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*) : Sir, under the rules, the term of office of a nominated

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[Mr. Kayyalam Paramesvaran Pillai.]

official member can be determined by the Government at their pleasure. Rule 21 (2) of the Legislative Council Electoral Rules reads thus:

"Official members shall hold office for the duration of the Council to which they are nominated or for such shorter period as Government may determine."

In this case, the Government have determined the period of Mr. Pitt's membership as he is in England on leave.

**MR. K. P. NILAKANTA PILLAI** (*Chirayinkil*): But we do not know whether Mr. Pitt has vacated his seat on this Council or not. There was no notification in the Gazette. It is not a temporary arrangement that has been made. It is a permanent arrangement and we have had no information about it.

**PRESIDENT**: When an officer goes out of the country on leave, he *ipso facto* vacates his office, and on such vacation of office, the Government may decide that his membership on the Council has also terminated.

**MR. K. P. NILAKANTA PILLAI** (*Chirayinkil*): On previous occasions, it has been plainly stated in the notifications in the Gazette that the member has resigned and that his resignation has been accepted by the Government of Her Highness the Maha Rani Regent. In the Gazette dated the 13th April 1926, it is stated:

"Under Rule 24 (1) of the Legislative Council Electoral Rules, the Government of Her Highness the Maha Rani Regent have accepted the resignation tendered by M. R. Ry. N. Nilakanta Pillai Avargal, B. A., B. L., Secretary to Government, of his seat on the Legislative Council."

"Under Rule 24 (4) of the Legislative Council Electoral Rules, the Government of Her Highness the Maha Rani Regent have been pleased to appoint M. R. Ry. V. S. Subrahmanya Aiyar Avargal, B. A., B. L., Head Sirkar Vakil, as an official member of the Legislative Council."

In the case of Mr. Van Ross also, there is a notification in the Gazette, dated the 20th April 1926, to the effect that he has resigned his seat on this Council and that the Government of Her Highness the Maha Rani Regent have been pleased to accept his resignation.

**PRESIDENT**: In the case of an official member, there are two ways in which a seat on this Council can be vacated, one is by resignation of the seat by the member under Rule 24 (1) of the Legislative Council Electoral Rules, and the other by determination of the tenure of his membership by the Government under Rule 21 (2). In the notifications that you read out, the Government resorted to the course of accepting the resignation by the members concerned and in the case of Mr. Pitt they resorted to the determination of his membership. Therefore, I decide that Mr. R. K. Krishna Pillai's coming in, taking the oath and becoming a member is in order.

The following new members subscribed the oath:—

1. M. R. Ry. R. K. Krishna Pillai Avargal, Ag. Commissioner of Police.

2. A. J. Van Ross Esquire, Excise Commissioner.

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